

Remarks

It is respectfully requested that new claims 12 - 15 be reconsidered for allowance in view of this Amendment and these Remarks.

This First Amendment is in response to the Office Action dated 1 November 2004. A Notice of Abandonment was mailed 26 May 2005. In response, Applicant is filing this First Amendment together with a Petition to Revive Unintentionally Abandoned Application.

The information disclosure statement was deemed not to comply with 37 CFR 1.98(a)(3). According, it is noted that DE 40 35 471, DE 43 20 977 and DE 2009860 were all cited as technical background (type "A" references) in the Search Report of applicant's counterpart PCT application. No translations of these references are provided since none are readily available to applicant.

The Specification has been amended in paragraph [0021] as suggested by the Examiner.

Claims 1 - 5 and 7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Morrison ('144). Claim 6 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Morrison ('144) in view of Metager (209). Accordingly, claims 1 - 11 have been canceled and new claims 12 - 15 have been added to more accurately define the present invention. New claim 12 recites a measuring system for an agricultural harvesting machine having a crop processor for separating grain from a flow of crop material. The measuring system includes a dosing device for adding a defined amount of additional grain only to the crop material flowing into the crop processor. The system also includes a grain sensor arranged at an output side of the crop processor so that separated grain impinges upon the sensor. The grain sensor generates a normal grain flow signal when the dosing device is inoperative, and the grain sensor generating an increased grain flow signal when the dosing device is adding grain to the crop material being processed by the crop processor. Finally, the system includes an evaluation device connected to the grain sensor.

The evaluation device calibrates the grain sensor as a function of the normal grain flow signal and the increased grain flow signal.

This is supported by the crop processors 10, 30, by sensors 16-20 or 32-36, dosing device 24 or 38, and by evaluation unit 50. As shown in Figs. 1 and 2, the dosing device contains only grain, as indicated by the circular grain symbols contained therein, whereas the processor receives crop material from conveyer 14 which includes both grain and non-grain material.

Turning to the reference, as pointed out by the examiner, Morrison shows an elevator 57 and housing 60 which drops "tailings" onto the cylinder 18 for rethreshing, while Metager adds additional crop material to the crop flow in the threshing cylinder. In contrast, new claim 12 recites a dosing device which supplies grain (not "tailings" or "crop material") to a crop processor. As seen in Fig. 1, the dosing device 24 contains only grain. There is no need to "rethresh" only grain, thus, neither Morrison nor Metager teaches or suggests a dosing device which supplies only grain to a crop processor.

There is no mention in either reference of a grain sensor which generates a normal grain flow signal when the dosing device is inoperative, and an increased grain flow signal when the dosing device is adding grain to the crop material being processed by the crop processor.

Finally, there is no mention in either reference of an evaluation device as recited in new claim 12. Thus, it is requested that these rejections be withdrawn with respect to new claim 12.

Claims 8 - 11 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enabling requirement. With respect to new claims 12 - 15, this rejection is traversed for the following reasons. In the last sentence of paragraph 11 of the original application, it is stated that "The changing of the measured value of the crop throughput sensor brought about by the addition of additional crop by the dosing device serves to calibrate the sensor." Furthermore, attached is the Declaration of Dr.-Ing. Folker Beck in which Dr. Beck clearly explains why the disclosure is enabling. Therefore, it is respectfully requested that this rejection be withdrawn.

Claims 13 - 15 should be allowed because they now depend directly or indirectly from allowable new claim 12.

In conclusion, it is believed that this application is in condition for allowance, and such allowance is respectfully requested.

Any fees or charges due as a result of filing of the present paper may be charged against Deposit Account 04-0525. Two duplicates of this page are enclosed.

Respectfully,

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Attachment: Declaration

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents Alexandria, VA 22313-1450, on 25 July 2005

Deere & Company

Laurie Titchner 25 July 2005

Signature Date